

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EUGENIA KALOUDIS, Individually,	:	
and as Administratrix of the Estate	:	
of GEORGE KALOUDIS, Deceased	:	
	:	CIVIL ACTION NO. 02-CV-4882
	:	
	:	
v.	:	
	:	
	:	
STAR TRANSPORT, INC.	:	
and BRIAN L. MILES	:	

**MOTION OF DEFENDANTS, STAR TRANSPORT, INC. AND BRIAN L. MILES, TO  
COMPEL THE RESPONSE TO A SUBPOENA FOR RECORDS TO  
ARAMARK FOOD & SUPPORT SERVICES GROUP, INC.**

Defendants, Star Transport, Inc. and Brian L. Miles, by and through their counsel, Rawle & Henderson LLP, hereby move this Honorable Court for an Order compelling Aramark Food & Support Services Group, Inc., to respond to two (2) United States District Court for the Eastern District of Pennsylvania Subpoenas, within five (5) days of the date of the attached Order and, in support thereof, aver as follows:

1. Plaintiff, Eugenia Kaloudis filed a Complaint against Defendants, Star Transport, Inc. and Brian L. Miles on or about June 18, 2002. A copy of the complaint is attached and marked as Exhibit "A".
2. On or about February 25, 2003 defendant forwarded a Subpoena for Records to the Custodian of Records, Aramark Corp., Human Resources Department (hereinafter referred to as "Aramark"), requesting "any and all" employment records of George N. Kaloudis. A true and correct copy of the enclosure letter and subpoena dated February 25, 2003 is attached hereto and marked Exhibit "B".

3. The records pursuant to the subpoena, were due to be returned to Defendants' counsel by March 7, 2003.

4. Multiple telephone calls were made to Aramark to follow up on these records and on March 19, 2003, Defense counsel's office spoke with Meghan Cassidy and was asked to fax a copy of the letter, subpoena and return of service card to Aramark so that the records could be provided.

5. On March 28, 2003, a telephone call was made to Jacqueline Meredith-Batchelor and Defense Counsel's office left a message for a status on the subpoenaed employment records.

6. On March 31, 2003, Defense Counsel's paralegal contacted Jacqueline Meredith-Batchelor by telephone and was advised that there were objections to the original subpoena since it was not addressed to the proper entity and Defense Counsel was asked to reissue the subpoena to Aramark Food & Support Services Group, Inc. with a specific time period for the records requested and a more specific description of the records that were being subpoenaed.

7. A second subpoena for records was issued on March 31, 2003, addressed to Aramark Food & Support Services Group, Inc. and was hand delivered to Jacqueline Meredith-Batchelor. A true and correct copy of the enclosure letter and subpoena dated March 31, 2003 is attached hereto and marked Exhibit "C".

8. On March 31, 2003, Defense Counsel received a letter from Jacqueline Meredith-Batchelor stating she objected to the second subpoena as being overly broad and unduly burdensome. A true and correct copy of the letter is attached hereto and marked Exhibit "D".

9. Aramark's continuing failure to produce the requested documents in compliance with two (2) United States District Court Subpoenae has severely prejudiced the movants'

defense of plaintiff's claims. Specifically, the defendants have not been able to obtain George Kaloudis' employment records for their economist's expert review.

WHEREFORE, defendant respectfully requests that this Court enter an Order ordering Aramark Food & Support Services Group, Inc. to, fully and completely, comply with defendants' Subpoenae for Records within five (5) days of the date of the signing of the Court's Order.

**RAWLE & HENDERSON LLP**

By: \_\_\_\_\_  
Kirsten E. Moore  
Identification No. 88699  
The Widener Building  
One South Penn Square  
Philadelphia, PA 19107  
215-575-4200  
Attorneys for Defendants,  
Star Transport, Inc. and Brian Miles

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**MEMORANDUM OF LAW IN SUPPORT OF OF DEFENDANTS' MOTION  
TO COMPEL THE RESPONSE TO A SUBPOENA FOR RECORDS ADDRESSED  
TO ARAMARK FOOD & SUPPORT SERVICES GROUP, INC.**

Plaintiff, Eugenia Kaloudis is the widow of George N. Kaloudis and the Administratrix of his Estate. Mr. George Kaloudis' death occurred on April 3, 2002 as the result of a motor vehicle accident that took place on State Route 1 in Middletown Township, Delaware County, Pennsylvania.

On or about February 25, 2003 defendant forwarded a Subpoena for Records to the Custodian of Records, Aramark Corp., Human Resources Department (hereinafter referred to as "Aramark"), requesting "any and all" employment records of George N. Kaloudis. A true and correct copy of the enclosure letter and subpoena dated February 25, 2003 is attached hereto and marked Exhibit "B". The records pursuant to subpoena, were due to be returned to Defendants' counsel by March 7, 2003.

Multiple telephone calls were made to Aramark to follow up on these records and on March 19, 2003, Defense counsel's office spoke with Meghan Cassidy and was asked to fax a

copy of the letter, subpoena and return of service card to Aramark so that the records could be provided.

On March 28, 2003, a telephone call was made to Jacqueline Meredith-Batchelor and Defense Counsel's office left a message for a status on the subpoenaed employment records.

On March 31, 2003, Defense Counsel's paralegal contacted Jacqueline Meredith-Batchelor by telephone and was advised that there were objections to the original subpoena since it was not addressed to the proper entity and Defense Counsel was asked to reissue the subpoena to Aramark Food & Support Services Group, Inc. with a specific time period for the records requested and a more specific description of the records that were being subpoenaed. A second subpoena for records was issued on March 31, 2003, addressed to Aramark Food & Support Services Group, Inc. and was hand delivered to Jacqueline Meredith-Batchelor. A true and correct copy of the enclosure letter and subpoena dated March 31, 2003 is attached hereto and marked Exhibit "C".

On March 31, 2003, Defense Counsel received a letter from Jacqueline Meredith-Batchelor stating she objected to the subpoena as being overly broad and unduly burdensome. A true and correct copy of the letter is attached hereto and marked Exhibit "D".

Fed. R.Civ. P. 45(d)(1), requires that a person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand. To date, Aramark refuses to comply with the Subpoenae for Records and has not responded.

Aramark is in violation of the Federal Rules of Civil Procedure because they have not complied with the Subpoena for Records.

Aramark's continuing failure to produce the requested documents in compliance with two United States District Court Subpoenae has severely prejudiced the movants' defense of plaintiff's claims.

WHEREFORE, defendant respectfully requests that this Court enter an Order ordering Aramark Food & Support Services Group, Inc. to, fully and completely, comply with defendants' Subpoenae for Records within five (5) days of the date of the signing of the Court's Order.

**RAWLE & HENDERSON** LLP

By: \_\_\_\_\_  
Kirsten E. Moore  
Identification No. 88699  
The Widener Building  
One South Penn Square  
Philadelphia, PA 19107  
215-575-4200  
Attorneys for Defendants,  
Star Transport, Inc. and Brian Miles

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STAR TRANSPORT, INC.	:	
and BRIAN L. MILES	:	

**ORDER**

AND NOW, this        day of April , 2003, upon consideration of Defendants, Star Transport, Inc.'s and Brian L. Mile's, Motion to Compel the Response to Subpoena for Records to Aramark Food & Support Services Group, Inc. (hereinafter referred to as "Aramark"), it is hereby ORDERED and DECREED that said motion is granted. Aramark shall provide a full and complete response to defendants' Subpoenae for Records within five (5) days of the date of this Order.

**BY THE COURT:**

\_\_\_\_\_  
J.

**CERTIFICATE OF SERVICE**

I, Kirsten E. Moore, Esquire, attorney for the defendant hereby certifies that on this day of this date a true and correct copy of defendants' Star Transport. Inc.'s and Brian L. Mile's Motion to Compel the Response to Subpoenae for Records to Aramark Food & Support Services Group, Inc. was served by first class mail, postage prepaid, upon counsel of record at the following address:

A. Roy DeCaro, Esquire  
Raynes, McCarty, Binder, Ross & Mundy  
1845 Walnut Street, 20th Floor  
Philadelphia, PA 19103

Andrew Riemenschneider  
801 Old York Road  
Suite 309  
Jenkintown PA 19046

Jacqueline Meredith-Batchelor  
Aramark  
Aramark Tower  
1101 Market Street  
Philadelphia, PA 19107-2988

RAWLE & HENDERSON LLP

By: \_\_\_\_\_  
Kirsten E. Moore  
Identification No. 88699  
The Widener Building  
One South Penn Square  
Philadelphia, PA 19107  
215-575-4200  
Attorneys for Defendants,  
Star Transport, Inc. and Brian Miles

DATED: April 3, 2003



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**ATTORNEY CERTIFICATION OF GOOD FAITH**

The undersigned, counsel for Defendants, Star Transport, Inc. and Brian L. Miles, hereby certifies and attests that she has communicated with Jacqueline Meredith-Batchelor, Assistant General Counsel for Aramark regarding the discovery matter contained in the foregoing discovery motion in an effort to resolve the specific discovery dispute at issue and, further, that despite all of her good faith attempts to resolve the dispute, she has been unable to do so.

**CERTIFIED TO THE COURT BY:**

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Kirsten E. Moore, Esquire

Dated: April 3, 2003